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SUBJECT: GOI ANNOUNCES SENTENCE CUTS FOR PRISONERS,  
INCLUDING CONVICTED TERRORISTS

REF: 07 JAKARTA 2263

11. (SBU) SUMMARY: The GOI granted sentence reductions of up to six months to tens of thousands of inmates on Indonesian Independence Day, August 17. Although seven convicted terrorists received sentences cuts ranging from two to six months, only one will now be eligible for release. A 2006 regulation allowed for the delay of eligibility for remissions for those convicted of certain types of crimes, including terrorism, but in 2008 no terrorists were given the automatic sentence cuts. Those receiving reduced sentences this year met minimum criteria and were given remissions for good behavior. END SUMMARY.

12. (U) THOUSANDS RECEIVE REMISSION: Minister of Law and Human Rights Andi Mattalatta granted sentence reductions of up to six months to almost 60,000 of the country's prisoners on Indonesian Independence Day, August 17. Approximately 5,000 inmates will be released in the coming days because the remissions will cut the remainder of their sentences. According to a Ministry statement, there are approximately 141,000 inmates across the country, but prison capacity is only 89,000 inmates. Many observers note that the annual day and Idul Fitri remissions help reduce prison overcrowding.

13. (SBU) TERRORISTS EFFECTED: According to the Ministry of Law and Human Rights, seven convicted terrorists affiliated with Islamic radical groups, including Jemaah Islamiyah (JI), are among this group. In his remarks, Mattalatta said that the terrorists receiving remissions had already served a third of their sentence and had exhibited good behavior in prison. The seven were:

-- Ahmad Rafiq Ridho aka Ali Zein aka Abu Husna Fuad Baraja, a member of JI who was captured in 2005 and sentenced to seven years in prison, received a two-month remission of his sentence.

-- Hasanuddin, who was arrested in 2005 for his involvement in the Poso school-girl killings and sentenced to 20 years in prison, received a five-month remission of his sentence.

-- Lili K Purnomo, who was arrested in 2005 for his involvement in the Poso school-girl killings and sentenced to 14 years in prison, received a four-month remission of his sentence.

-- Ali Masykur Abdul Kadir, who was involved in the Bali I bombing in 2002 and sentenced to 15 years in prison, received a six-month remission of his sentence.

-- Syaiful Bahri, who was involved in the Australian Embassy bombing in 2004 and sentenced to 10 years in prison, received a five-month remission of his sentence.

--Ismail (no alias was provided so his involvement in terrorist activities is not clear) received a five-month remission of his sentence.

--Arifin aka Apin, who was convicted of texting a bomb threat in 2007 to 26 people, received a "freedom" remission because he had less than six months left on his sentence.

14. (U) BACKGROUND: A YEARLY RITUAL: The Minister of Law and Human Rights grants sentence reductions to thousands of Indonesian inmates each year on August 17, and again on Idul Fitri (for Muslims) and Christmas (for Christians). This action is mandated by Presidential Decree 69 of 1999, Law 12 of 1995 and other regulations. To be eligible for a remission, prisoners must be serving more than a six-month sentence, must not be sentenced to death or to life imprisonment and must have exhausted all appeals. Prison wardens submit for consideration the names of all convicts who have shown good behavior during their incarceration. Submission recommendations pass from the prison warden to the head of the prison system to the Minister of Law and Human Rights. Traditionally, the Minister has granted the sentence reduction to all the names he receives (see reftel).

15. (U) In July 2006, the GOI drafted Governmental Regulation 28, which would delay remission eligibility to those convicted of designated crimes such as terrorism, drug

JAKARTA 00001358 002 OF 002

trafficking, corruption and gross human rights violations. The regulation stipulates that individuals convicted of any of these crimes are not eligible for remission until they have completed at least one-third of their original sentence. This regulation was implemented for the first time in 2008, when no convicted terrorist received a sentence cut.

16. (SBU) The 2009 annual day remissions demonstrated a selective use of the 2006 regulation. The sentence reductions of the seven terrorists listed above were not automatic and other suggested terrorist remissions were rejected. For example, eight convicted terrorists in Central Java's Sragen penitentiary were recommended for the annual remissions list, and the GOI rejected that recommendation.

HUME